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OFFICE OF PETITIONS

In re Application of
Lee et al.
Application No. 09/311,480
Filed: May 13, 1999
Attorney Docket No. DOW-31481 (UC17965)

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed September 5, 2003, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely reply within three months to the final Office action mailed February 24, 2003. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, this application became abandoned on May 25, 2003. A Notice of Abandonment was mailed on September 8, 2003.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

The Notice of Appeal filed September 5, 2003, has been entered and made of record. Accordingly, the 2-month period for filing the appeal brief, in triplicate, accompanied by the fee required by law, runs from the date of this decision.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Petitioner submitted the authorization to charge the \$930.00 extension of time fee to petitioner's credit card along with the instant petition on September 5, 2003. However, it was subsequent to the maximum extendable period for reply. Accordingly, it was unnecessary and will not be charged.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed solely to the address currently of record until such time as appropriate instructions are received to the contrary.

The file is now being forwarded to Technology Center 1700 for further examination on the merits.

Telephone inquiries should be directed to Paralegal Liana Chase at (703) 306-0482.

Karen Crassey for

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Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
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